

SOUTH DAKOTA BOARD OF NURSING

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IN THE MATTER OF THE LICENSURE
PROCEEDINGS :

RE: CANDICE DYKEMA, RN :

License No. R027848 :

Licensee. :

**AGREED UPON DISPOSITION TO
VOLUNTARILY SURRENDER
LICENSE**

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WHEREAS, Candice Dykema ("Licensee"), is licensed to practice as a registered nurse in the State of South Dakota and holds license number R027848;

WHEREAS, Licensee's medical health prevents her from being able to practice nursing, and she has been unable to return to nursing for approximately one year and therefore wishes to voluntarily surrender her license.

WHEREAS, Licensee agrees, without the need for the Board to complete an investigation and consider the complaint stemming from her discharge from the South Dakota Health Professionals Assistance Program due to this decision, to voluntarily surrender Licensee's South Dakota license to practice or any privilege to practice in South Dakota, thereby avoiding the Board's need to take any further action on the complaint;

WHEREAS, the Board has a statutory obligation to protect the public health, safety and welfare as set forth in SDCL § 36-9-1.1, including the protection of the public from unprofessional nursing practices and practitioners;

WHEREAS, Licensee and the Board have each expressed a desire to resolve this matter without the necessity of additional formal disciplinary proceedings and hearings and have

therefore agreed to resolve this complaint in the manner set forth in this consent order pursuant to SDCL § 36-1C-6; and

WHEREAS, it is the intent of this agreement to provide for a disposition of the registration issues presented by the Licensee's conduct, in a professional manner, without the necessity of further hearings and proceedings herein, and to provide for a responsible resolution.

THEREFORE, IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:

1. The Board has jurisdiction over the person of the Licensee and the subject matter of this Agreed Upon Disposition to Voluntarily Surrender License.
2. Licensee agrees to voluntarily surrender Licensee's South Dakota license immediately upon Licensee signing this Agreed Upon Disposition.
3. Licensee understands that Licensee has a right to a formal hearing pursuant to SDCL Ch. 1-26 regarding this matter and that such rights under SDCL Ch. 1-26 include, but are not limited to, the right to a formal hearing before the Board, the right to be present at the formal hearing, the right to be represented by legal counsel, the right to introduce evidence and testimony on Licensee's behalf, call witnesses, cross-examine witnesses, and inspect all documentary evidence submitted to the Board, and the right to appeal the Board's decision to the South Dakota Circuit Court and Supreme Court, as provided by law.
4. By voluntarily surrendering and entering into this Agreed Upon Disposition to Voluntarily Surrender License with the Board, Licensee hereby knowingly and voluntarily waives the above rights and agrees that this matter will be resolved according to the disciplinary procedures outlined in SDCL § 36-1C-6, through an agreed upon issuance of a Voluntary Surrender Consent Order.

5. Licensee agrees and stipulates that this Agreed Upon Disposition is being entered into voluntarily by Licensee and without threats or coercion and is entered into after the Licensee has been given ample opportunity to consider these matters and to discuss this Agreed Upon Disposition with an attorney of Licensee's choice and that the Licensee has a full understanding of the legal consequences of this Agreed Upon Disposition, which rights are hereby waived by the signing of this Agreed Upon Disposition.

6. Licensee agrees and requests that the Board's Executive Director or designee will present this Agreed Upon Disposition to Voluntarily Surrender License to the Board for approval and adoption.

7. Licensee may apply to reinstate his license for good cause shown.

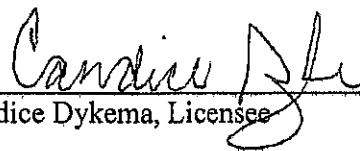
8. Nothing in the Board's Order or this Agreed Upon Disposition should or does imply that the Licensee will be reinstated. Licensee recognizes that the reinstatement terms, as well as the requirements for reinstatement, are at the sole discretion of the Board.

9. If Licensee requests reinstatement, Licensee has the burden under SDCL § 36-9-57 to present information showing that good cause exists for the Board to exercise its discretion to reinstate Licensee's license.

10. Licensee understands that this action is reportable discipline and will be published in the Board's newsletter and posted on its website and reported into the National Practitioner Data Bank (NPDB) as required by law.

NOW, THEREFORE, the foregoing Agreed Upon Disposition to Voluntarily Surrender License is entered into and is respectfully submitted to the Board with the request that the Board adopt its terms as an Order of the Board in this matter.

Dated this 6 day of July, 2021.


Candice Dykema, Licensee

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Licensee

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Dated this 11th day of August, 2021.

Linda Young
Linda Young, RN, MS, FRE
Executive Director